

UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF CALIFORNIA

-----oo0oo-----

ROBIN LUKIANCZYK,

NO. 2:20-cv-00223 WBS CKD

Plaintiff,

v.

UNUM LIFE INSURANCE COMPANY
OF AMERICA; SAGEWELL
HEALTHCARE BENEFITS TRUST,
and Does 1 through 10,
inclusive,

Defendants.

-----oo0oo-----

STATUS (PRETRIAL SCHEDULING) ORDER

After reviewing the parties' Joint Status Report, the court hereby vacates the Status (Pretrial Scheduling) Conference scheduled for May 26, 2020, and makes the following findings and orders without needing to consult with the parties any further.

I. SERVICE OF PROCESS

All defendants have been served, and no further service is permitted without leave of court, good cause having been shown

1 under Federal Rule of Civil Procedure 16(b).

2 II. JOINDER OF PARTIES/AMENDMENTS

3 No further joinder of parties or amendments to
4 pleadings will be permitted except with leave of court, good
5 cause having been shown under Federal Rule of Civil Procedure
6 16(b). See Johnson v. Mammoth Recreations, Inc., 975 F.2d 604
7 (9th Cir. 1992).

8 III. JURISDICTION/VENUE

9 Jurisdiction is predicated upon federal question
10 jurisdiction, 28 U.S.C. § 1331, because plaintiff's claims arise
11 under the Employee Retirement Income Security Act of 1974
12 ("ERISA"), 29 U.S.C. § 1101, et seq. Venue is undisputed and
13 hereby found to be proper.

14 IV. DISCOVERY

15 The parties agreed to serve the initial disclosures
16 required by Federal Rule of Civil Procedure 26(a)(1) on or before
17 May 4, 2020.

18 All discovery, including depositions for preservation
19 of testimony, is left open, save and except that it shall be so
20 conducted as to be completed by July 2, 2020. Parties agree that
21 experts are not warranted in this ERISA action. The word
22 "completed" means that all discovery shall have been conducted so
23 that all depositions have been taken and any disputes relevant to
24 discovery shall have been resolved by appropriate order if
25 necessary and, where discovery has been ordered, the order has
26 been obeyed. All motions to compel discovery must be noticed on
27 the magistrate judge's calendar in accordance with the local
28 rules of this court and so that such motions may be heard (and

1 any resulting orders obeyed) not later than July 2, 2020.

2 V. MOTION HEARING SCHEDULE

3 All motions, except motions for continuances, temporary
4 restraining orders, or other emergency applications, shall be
5 filed on or before August 17, 2020. All motions shall be noticed
6 for the next available hearing date. Counsel are cautioned to
7 refer to the local rules regarding the requirements for noticing
8 and opposing such motions on the court's regularly scheduled law
9 and motion calendar.

10 VI. FINAL PRETRIAL CONFERENCE

11 Although the parties have proposed a waiver of the
12 Final Pretrial Conference, the court prefers to set one. The
13 Final Pretrial Conference is set for October 13, 2020, at 1:30
14 p.m. in Courtroom No. 5. The conference shall be attended by at
15 least one of the attorneys who will conduct the trial for each of
16 the parties and by any unrepresented parties.

17 Counsel for all parties are to be fully prepared for
18 trial at the time of the Pretrial Conference, with no matters
19 remaining to be accomplished except production of witnesses for
20 oral testimony. Counsel shall file separate pretrial statements,
21 and are referred to Local Rules 281 and 282 relating to the
22 contents of and time for filing those statements. In addition to
23 those subjects listed in Local Rule 281(b), the parties are to
24 provide the court with: (1) a plain, concise statement which
25 identifies every non-discovery motion which has been made to the
court, and its resolution; (2) a list of the remaining claims as
against each defendant; and (3) the estimated number of trial
days.

1 In providing the plain, concise statements of
2 undisputed facts and disputed factual issues contemplated by
3 Local Rule 281(b) (3)-(4), the parties shall emphasize the claims
4 that remain at issue, and any remaining affirmatively pled
5 defenses thereto. If the case is to be tried to a jury, the
6 parties shall also prepare a succinct statement of the case,
7 which is appropriate for the court to read to the jury.

8 **VII. TRIAL SETTING**

9 The bench trial is set for November 17, 2020 at 9:00
10 a.m. The parties estimate that the trial will last one to two
11 days.

12 **VIII. SETTLEMENT CONFERENCE**

13 A Settlement Conference will be set at the time of the
14 Pretrial Conference. All parties should be prepared to advise
15 the court whether they will stipulate to the trial judge acting
16 as settlement judge and waive disqualification by virtue thereof.

17 Counsel are instructed to have a principal with full
18 settlement authority present at the Settlement Conference or to
19 be fully authorized to settle the matter on any terms. At least
20 seven calendar days before the Settlement Conference counsel for
21 each party shall submit a confidential Settlement Conference
22 Statement for review by the settlement judge. If the settlement
23 judge is not the trial judge, the Settlement Conference
24 Statements shall not be filed and will not otherwise be disclosed
25 to the trial judge.

26 **IX. MODIFICATIONS TO SCHEDULING ORDER**

27 Any requests to modify the dates or terms of this
28 Scheduling Order, except requests to change the date of the

1 trial, may be heard and decided by the assigned Magistrate Judge.
2 All requests to change the trial date shall be heard and decided
3 only by the undersigned judge.

4 IT IS SO ORDERED.

5 Dated: May 22, 2020



6
7 WILLIAM B. SHUBB
8 UNITED STATES DISTRICT JUDGE
9
10
11
12
13
14
15
16
17
18
19
20
21
22
23
24
25
26
27
28